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*Intellectual Property Law*

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TO: Examiner Eric F. Winakur  
 USPTO FACSIMILE No.: (571) 273-8300  
 USPTO REFERENCE: Applicants: Mohamed K. Diab et al.  
 Serial No.: 10/721,607  
 Filed: November 25, 2003  
 Title: PULSE OXIMETER PROBE-OFF DETECTOR  
 ATTORNEY: John M. Grover  
 PHONE No.: (949) 721-2946  
 ATTORNEY DOCKET No.: MASIMO.173C2  
 TOTAL PAGES: 8 (INCLUDING COVER SHEET)  
 OPERATOR: Lisa Sierra  
 DATE: November 4, 2005

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MESSAGE: **Attached for filing in the above-referenced application are:**

■ TRANSMITTAL LETTER IN 1 PAGE

■ PRELIMINARY AMENDMENT IN 6 PAGES

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Docket No.: MASIMO.173C2

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Page 1 of 1

Please Direct All Correspondence to Customer Number **20995****AMENDMENT / RESPONSE TRANSMITTAL**

Appl. No. : 10/721,607  
Applicants : Mohamed K. Diab et al.  
Filed : November 25, 2003  
TC/A.U. : 3736  
Examiner : Eric F. Winakur

Title : PULSE OXIMETER  
PROBE-OFF  
DETECTOR

Docket No. : MASIMO.173C2  
Customer No. : 20,995

Confirmation No. : 5622

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**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

(X) a Preliminary Amendment in 6 pages.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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John M. Grover, Reg. No. 42,810**Mail Stop Amendment**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT**

Sir:

Preliminary to the examination of the above-identified application, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 6 of this paper.

11/07/2005 CNGUYEN 00000054 111410 10721607

01 FC:1202 150.00 DA  
02 FC:1201 200.00 DA